

Congress of the United States
Washington, DC 20515

April 6, 2009

The Honorable Barack Obama
President of the United States
The White House
Washington, D.C. 20500

RE: U.S. International Nuclear Cooperation Policy

Dear Mr. President:

The Bush Administration signed an agreement on civil nuclear cooperation with the United Arab Emirates four days before leaving office, but deferred to you the decision of whether or not to submit it to Congress for the required 90-day review period. We understand that the State Department has since renegotiated the agreement to strengthen its nonproliferation provisions, which is certainly a welcome development, but that you have not yet signed this new agreement.

We are writing to urge that you not submit any U.S.-U.A.E. nuclear cooperation agreement to Congress until your Administration has completed a comprehensive review of U.S. policy regarding our civil nuclear cooperation with other countries, including the U.A.E. We also request that prior to submitting any agreement to Congress, you secure increased cooperation from the U.A.E. regarding the United States' highest priority national security concerns, namely the Iranian nuclear program and the proliferation of nuclear weapons in general.

We believe that the U.A.E. – a friend of the United States – can take stronger action to stop the transshipment and diversion of sensitive goods and technology to Iran, and can take action against the procurement networks and entities associated with the Iran Revolutionary Guard Corps that operate in the U.A.E. The U.A.E. needs to fully implement the export control law it adopted in August 2007. There is still no agency identified by the U.A.E. government to implement this law and no implementing regulations. We are now five years on from the confession of A.Q. Khan and the revelations about the role played by U.A.E.-based companies in his network. Until the government of the U.A.E. has made more progress on implementing this law, we request that you withhold your signature from the agreement.

The Bush Administration intended that this proposed agreement with the U.A.E. serve as a “model” for U.S. civil nuclear cooperation with other countries in the Middle East and elsewhere. However, we believe that any such “model” agreement should be

strengthened with additional provisions that enhance U.S. nonproliferation policy, including requiring that all potential partners:

Forgo all uranium enrichment and plutonium reprocessing if they do not already possess operating facilities. It should be the stated policy of the United States to terminate all nuclear cooperation with any country that violates this condition. The U.A.E. has made only a “voluntary commitment” to forgo enrichment and reprocessing. We believe that a binding commitment should be included in all future nuclear cooperation agreements.

Ratify the Additional Protocol. This should closely follow the “Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards” (INFCIRC/540/Corr.).

Restrict access to nuclear facilities by third country nationals and prohibit any access by nationals of Iran, Syria, and North Korea. With the U.S. contemplating additional nuclear cooperation agreements with Middle Eastern countries, it is essential that access to nuclear facilities, materials, and technology by third country nationals be restricted. Nationals of countries of proliferation concern should never be allowed access.

Sign the Convention on Supplementary Compensation for Nuclear Damage (CSC) and enact domestic legislation or regulations that implement the provisions of the Convention. Without the liability protections contained in CSC, U.S. firms will not be able to compete on a level playing field with companies from other countries.

Present a convincing economic and energy security rationale for building a nuclear power industry. Energy-rich states in particular should be required to demonstrate that there are legitimate non-military factors that justify their need for nuclear power.

Pledge to establish non-nuclear energy cooperation programs to increase use of renewable sources of energy and increase energy efficiency. Title V of the *Nuclear Nonproliferation Act of 1978* (Public Law 95-242) requires that the U.S. develop a program to assist less advanced countries in meeting their energy needs and in “reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy sources.” The U.S. should ensure that any increased nuclear cooperation be accompanied by the development of additional non-nuclear, renewable energy cooperation. Moreover, the United States should develop alternative energy cooperation with a view to promoting the export of American-made equipment to both developing-country and rich-country partners. Given the urgency of climate change and the need to significantly reduce carbon emissions in the near term, there is more need now than ever to increase international alternative energy cooperation.

We believe that these conditions enhance U.S. security and our broader interests in future nuclear cooperation agreements. However, this list is not meant to be an exhaustive one, and we would welcome additional proposals for consideration.

Finally, given the importance of multilateral cooperation on nuclear matters in general, and the transfer of nuclear equipment and technology in specific, we ask that you begin discussions with the other major supplier states to adopt standards equal in content and effect to our own in their bilateral civil nuclear cooperation agreements and nuclear policies.

Thank you for your attention to our request. We look forward to working with you and your Administration to further strengthen our cooperation on nuclear nonproliferation with other countries.

Sincerely,



BRAD SHERMAN

Chairman
Subcommittee on Terrorism,
Nonproliferation and Trade



ILEANA ROS-LEHTINEN

Ranking Member
Committee on Foreign Affairs



EDWARD J. MARKEY

Chairman
Subcommittee on Energy and the Environment